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07 March 2016

To: All Members of the Overview and Scrutiny Committee

Dear Member,

Overview and Scrutiny Committee - Tuesday, 8th March, 2016

I attach an addendum which provides legal comment on recommendations contained in the report provided in item 12.

**12. SCRUTINY PROJECT - COMMUNITY INFRASTRUCTURE LEVY  
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Addendum: legal comment on recommendations contained within the above report.

Yours sincerely

Martin Bradford  
Scrutiny Officer,

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# LATE BUSINESS SHEET

**Report Title: Scrutiny Project Community Infrastructure Levy –  
Final Report**

**Committee: Overview & Scrutiny Committee**

**Date: March 7<sup>th</sup> 2016**

## **Reason for lateness and reason for consideration**

**The following legal statement was not available at the time of despatch, but should be considered by members when approving recommendations contained within the Community Infrastructure Levy Report.**

'The Assistant Director of Corporate Governance has been consulted on the preparation of this report and comments as follows.

Setting and reviewing the Community Infrastructure Levy (CIL) must follow a statutory process. This is defined in the Planning Act 2008 and the **Community Infrastructure Levy Regulations 2010 (as amended)**.

In addition, there is considerable Government Planning Policy Guidance dealing with the approach to be adopted in setting and reviewing rates within the Charging Schedule. The process requires demonstrable consideration of evidence and consultation on that evidence. There is also a requirement to consider the outcome of that consultation prior to setting or reviewing a rate.

The Act and the Regulations also provide for a mechanism and process for the review of the Regulation 123 list which prescribes the infrastructure schemes against which the CIL recovered is to be applied.

These include external validation by an examiner appointed by the Secretary of State and may be subject to any modifications recommended by the examiner.'

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